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THE NATIONAL FOREST MANAGEMENT ACT OF 1976

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Public Law 94-588
94th Congress, S. 3091
October 22, 1976

An Act

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "National Forest Management Act of 1976"

FINDINGS

Sec. 2. The Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476; 16 U.S.C. 1601-1610) is amended by redesignating subsections 2 through 11 as sections [illegible] 12, respectively:

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THE NATIONAL FOREST MANAGEMENT ACT OF 1976

INTRODUCTION

"Balanced consideration of all resources in the land management process."

This is the essence of the National Forest Management Act as described by President Ford when he signed it October 22, 1976.

He also called it "another important milestone in the evolution of forest policy and conservation law governing our stewardship of a major part of this Nation's great natural heritage, the National Forest System."

But the 1976 law is even more to Forest Service Chief John McGuire. He has cited it as "one of the most important laws regarding forestry ever enacted." Certainly, he said, it is "landmark legislation that ranks in importance with other major laws governing the programs of the Forest Service."

This is high praise for a piece of legislation which was originally proposed in response to a Federal court's conclusion that timber harvesting practices on three timber sales in the Monongahela National Forest were illegal. How correction of some wording on timber sales in 1897 legislation was expanded to affect practically the whole body of Federal forestry activities is emphasized by the fact that the correction is made with only three lines in the 15-page document.

The Act became, as Senator Humphrey, the original sponsor, describes it, "a milestone in Federal policy towards management of our vast National Forest System..."

And "policy" is the key word. Congress made it clear with the Act that it was laying out broad policy direction within which the Forest Service could operate with the flexibility to meet specific forest management needs. Again Senator Humphrey expressed that theme by emphasizing that a National Forest can't be run from Capitol Hill.

The major points of focus in the Act are land-management planning, timber management actions, and public participation in Forest Service decisionmaking. It reaches beyond the 187 million acres of the National Forest System to recognize the importance of scientific research and cooperation with State and local governments and private landowners. So, in effect it addresses all three major areas of Forest Service operations in carrying out its national forestry leadership role--management of the National Forest System, natural resources research and cooperative

forestry assistance to State and private landowners. It is, in fact, a national forest management act.

It should be emphasized that the Congressional action was one of additional policy direction and endorsement, rather than rebuke. Its endorsement of multiple use and sustained yield and additions to the Forest and Rangeland Renewable Resources Planning Act are proof of that. In many areas, Congress indicated it rather liked what the Forest Service was doing in land management planning, forest protection and public participation, while at the same time recognizing a need for extension and improvement of the work now being carried out by the Forest Service. It added significant new direction which in many respects builds on what the agency is already doing.

However, the legislators did not provide the Forest Service with carte blanche. They make quite clear they were going to pay far closer attention to Federal natural resource management. Congress indicated it would be far more active in overseeing how such management is conducted and how well the Forest Service hews to the policy guidelines. It incorporated into law a number of specific directions which had previously been left to the administrative discretion of the Forest Service. In a word, Congress decided to more actively exercise its guiding powers in Federal forest policy.

The Forest Service's professionals will be given every chance to show they can carry out Congressional policy direction without tightly prescriptive legislation. But Congressional action can be expected to correct failures.

Perhaps the most notable significance of the Act is its proof of the workability of the American system of reasoned debate and compromise for the national good. After being created in the crucible of conflict, the final product was hammered out on the anvil of reasonable compromise.

The result is a national forest management policy tailored both to the needs of the people of the United States for natural resources and to the conservation and wise use of the land and its renewable resources.

A major part of the Act is devoted to strengthening the Forest and Rangeland Renewable Resources Planning Act (RPA). All but one of the first 12 sections are amendments to it, nearly tripling the length of the Resources Planning Act. These amendments include requirements for recommendations in the RPA Program which evaluate major Forest Service program objectives; explain opportunities for all forest and rangeland owners to improve their lands; recognize the need to improve and protect soil, water and air; state national goals relating to all renewable

resources; and evaluate the impact of log exports and imports on domestic timber supplies and prices. Other RPA amendments also require reports on the status of major research and reports in the Assessments on additional fiber potentional on all forest lands. Other major significant highlights of the Act, and some of their implications are as follows:

HIGHLIGHTS

National Forest System Land Management Planning

*Land management planning direction is the core of the Act. Regulations will be issued describing the process for development and revision of land management plans. Management guidelines will deal with overall NFS land management and require that lands be identified according to their suitability for resource management.

*These guidelines will relate to the RPA Program goals to ensure that economic, environmental, and ecological aspects are consistent with the Multiple-Use Sustained-Yield Act and RPA. They will provide for the diversity of tree species and plant and animal communities, with research and management evaluation to prevent impairment of the land's productivity.

*Each National Forest System unit will prepare, with the aid of interdisciplinary teams and public participation, an integrated, comprehensive land management plan to be revised at least every 15 years. The land management plan and supporting functional plans must be brought together in one place in one document or a series of documents so they are more readily accessible to the public.

Timber Management

*The Act contains direction on the nondeclining even-flow practice followed by the Forest Service. The annual allowable harvest from each National Forest will generally be limited to a quantity equal to or less than a quantity which can be removed annually on a sustained yield basis. The Act sets this nondeclining even-flow as policy, but gives the resource manager flexibility to depart from this policy through land management planning including public participation on a case-by-case basis. Departures from the standard policy must be in harmony with multiple use-sustained yield objectives of the land management plan.

*Land areas not suitable for timber production will be identified in land management plans considering physical, economic and other factors. They are not to be harvested for 10 years except for salvage sales or sales to protect other multiple use values. Such lands will be reviewed every 10 years thereafter and may be returned to production if appropriate.

*Silvicultural standards will insure that, generally, stands of trees shall be harvested when mature (culmination of mean annual increment of growth). However, timber stand improvement measures, salvage operations and removal of trees for multiple-use purposes are not precluded. This means that trees within the National Forests in general should be sawtimber rather than pulpwood size before harvesting. The Act also directs that an adequate diversity of plant and animal species should be maintained. In brief, there should be no large-scale conversions of National Forest lands to a single-tree species.

*The Act incorporates into law the substance of the so-called "Church Guidelines" on clearcutting--the present policy of the Forest Service. These guidelines include the caution that clearcutting should only be used where it is the most optimum silvicultural method.

*The Act repeals the section of the Organic Act (16 U.S.C. 476) that the courts had interpreted to mean no timber could be sold that was not dead, physiologically mature, or of large growth and individually marked.

*Congress also arranged for specific funding for certain programs related to timber and, through the Act, authorized a $200-million annual appropriation and directed an expedited schedule for reforestation and timber stand improvements in accordance with land management plans. Such intensification of timber management can be used to justify increases in timber harvests. It also provided for funding of salvage sales (for road design, engineering and supervision and sale preparation and supervision) to be financed through monetary deposits from purchasers of those sales. The use and amount of collections of the Knutson-Vandenberg deposits (the K-V fund) has been broadened to include sale area improvements including wildlife habitat plus maintenance and construction of improvements.

*Timber sales drew particular attention. Major requirements set were: (1) a 10-year limit, with exceptions, is now placed on timber sales and extension of sale periods are restricted; (2) the possibility of collusion among bidders is addressed by requiring sealed bids (with the Secretary allowed some discretion for permitting a mix of bidding), and the establishment of monitoring systems and a report of instances of collusion; (3) each successful bidder must provide a plan of operations, if the sale exceeds 2 years.

*Except for roads planned for permanent use, all roads constructed within the National Forest System will be planned with the goal of reestablishing vegetative cover by natural or artificial means within 10 years after use is discontinued. And small business purchasers can elect to have the Forest Service construct roads to timber sale areas if the estimated cost of construction exceeds $20,000, instead of receiving purchaser credits. When such election is made, timber sale receipts are available for the construction of the roads.

Public Participation

*Public participation in review and revision of land and other resource management planning was a prime priority in Congressional thinking. The phrases "public participation" or "public involvement" are used 11 times in the Act and are clearly indicated in other sections.

*A Committee of Scientists--composed of non-Forest Service personnel--is to be established to help develop regulations for all land management planning, including timber and other resource plans, by providing scientific advice and counsel, and to insure that the planning process is interdisciplinary.

*In addition, advisory committees will be established to insure public review and comments on standards, guidelines and criteria applicable to Forest Service programs.

*Regulations must be written to carry out the public participation aspects of the law. Not only has Congress ordered fuller public participation in the decisionmaking process, but it also made rules so the public can participate with relative ease.

Statutory Status

With this Act, Congress has determined that the designation of National Forests should be permanent unless it otherwise decrees. Many existing forests were created by Presidential proclamation. This law essentially gives them statutory status. They can no longer be returned to the public domain by executive order.

Payments to States

The National Forest Management Act adds some elements to allow increases in payments to local governments from National Forest receipts. The basis for computing 25 percent payments to States is changed to include K-V collections from timber purchasers and purchaser credits for the construction of permanent roads.

IMPLEMENTATION

The National Forest Management Act offers great potential for sound management of the National Forests in the public interest. Whether this potential is realized depends on how well the Forest Service carries out the requirements of the Act. Congress endorsed the concept that land management prescriptions should be the province of the professional resource manager, not the legislators. For the time being, it has by-passed restrictive legislation in favor of policy direction. However, if Congress doesn't like what it sees in the way its direction is being carried out, there's no doubt it will be back with more direction and also more restrictions.

The Forest Service intends to give high priority to implementation of the Act. It plans to use the top talent of the agency in developing the required regulations, procedures, guidelines and other actions. The field units as well as the Washington Office will take part in the implementation process.

There are some tasks which must be done immediately; others will be carried out over a period of several years. A number of task forces have been established to put the legislative requirements into action. All directions and regulations prepared to implement the Act will be reviewed by Legislative Affairs and the Office of the General Counsel to assure they are consistent with the provisions of the Act and the intent of Congress.

Following are the major tasks to be accomplished in implementing the Act. Along with the identification of the task is the action being taken to implement it, and the W.O. staff unit with the lead responsibility for accomplishment. A reference to the section of the Act requiring the action is also included.

NATIONAL FOREST SYSTEM LAND MANAGEMENT AND RESOURCE PLANNING

Tasks: Provide interim direction to field offices on land management planning and resource planning procedures.

Write regulations that (1) set out the process for developing and revising land management plans and (2) specify guidelines affecting resource management options and approaches. The Secretary is required to appoint a Committee of Scientists to assist in the development of the regulations. The regulations must be issued within 2 years. (section 6 "(g)" and "(h)").

By September 30, 1985, incorporate the new guidelines as defined in the regulations into National Forest System land management plans. (section 6 "(c)").

Revise as soon as practicable existing resource plans, permits, and contracts to be consistent with land management plans. (section 6 "(i)").

Action: The Land Management Planning Staff will be responsible for completion of these tasks. It will use the Forest Service Management Model as the process for completing these assignments. Two interdisciplinary work groups have been established. One will formulate interim direction to the field. The other will identify and schedule all the individual elements of the general tasks to be done through completion. It will also identify the skills, lead and coordination responsibilities, and resources required for implementing all the provisions of section 6 of the Act that relate to planning. Initial meetings of the work groups took place in November. Upon approval by the Chief, the recommendations of these work groups will be transformed into directives and detailed assignments and plans.

Task: Provide process to insure research on (and evaluation of the effects of) each management system used in guidelines for NFS management so plans will not produce substantial and permanent impairment of the productivity of the land. (section 6(g) 3(c)).

Action Research will work with NFS to identify a management system-area classification for which information will be obtained on: 1) available knowledge about sustained productivity for each system-area combination, 2) additional research questions, 3) progress on questions currently under study, and 4) future research plans. Research will begin immediately to develop subassignments and reporting dates. The process is required "as soon as practicable, but not later than 2 years after enactment." A continuing internal reporting scheme that encompasses the full range of research application--on State and private and other Federal lands as well as NFS--is anticipated.

NFS will include evaluation and revision of agency field operations as part of the management process and develop guidelines.

FOREST MANAGEMENT AND TIMBER SALES

Task: Develop procedures for the identification of lands needing reforestation and lands with stands of trees that are not growing at their best potential. Develop procedures for the inspection and certification of treatment results and for scheduling followup treatments. (section 4).

Action: The Timber Management Staff working with the Land Management Planning Staff will develop guidelines on how the existing inventory of commercial forest lands in need of reforestation and with increased growth potential is to be adapted to meet the requirements of the Act. Additional guidelines explaining how noncommercial forest lands are to be inventoried, and how the certification process will operate, will also be developed by Timber Management.

Task: Establish standards on culmination of timber growth. (section 6 "(m)"). (The Secretary is required to establish standards to insure that stands of trees shall generally reach the culmination of mean annual increment of growth before they are harvested.)

Action: The Timber Management Staff, with input from the Timber Management Research Staff and the Land Management Planning Group, and in consultation with the Committee of Scientists, will develop the required standards.

Task: Review existing directives which limit timber removal quantities and revise as necessary to incorporate any new requirements or direction. (section 11). (New section 13 to RPA).

Action: The Timber Management Staff, in cooperation with the Land Use Planning Staff, will refine present Forest Service Manual policy to incorporate even-flow, non-declining yield provisions of PL 94-588 into revised policy statements and instructions to field units.

Tasks: Write regulations governing the advertisement, bidding, sale and disposal of trees (section 14(a), (d), (e), & (f)).

Develop directives outlining what is to be required in timber sale plans (section 14(c)).

Develop policies and administrative procedures governing the collection of deposits to cover costs of salvage timber sales. (section 14(h)).

Write regulations on timber sale road construction options afforded to small business concerns (section 14(i)).

Action: An interim regulation was issued on November 4, 1976, temporarily authorizing continuance of older timber sale regulations, pending the issuance of permanent regulations. The interim regulation is to be replaced with permanent regulations by April 1, 1977. The interim regulation retained most of the previous regulations but added the requirement that sealed bidding would be predominant, rather than oral bidding.

Four multi-discipline task forces are being set up under the direction of the Timber Management Staff to work on development of directives and regulations covering the key changes in timber sale procedures required by the Act:

(1) length of sale period and operating plan requirements;

(2) funding of salvage sales;

(3) Optional road construction by small business firms;

(4) collusive bidding and sealed bidding procedures.

Task: Develop utilization standards, methods of measurement, and harvesting practices to provide the optimum practical use of wood material. (section 14(h)).

Action: The Timber Management Staff will consult with the Regions, the Forest Products Laboratory, S&PF specialists in forest products utilization, and industry groups to develop the utilization standards, measurement methods, and harvesting practices.

Task: Revise 50-year timber sale contracts in Alaska (section 15(b)). (The Secretary is required to revise such contracts to make them consistent with the new guidelines and standards that will be developed pursuant to the Act.)

Action: The Alaska Region has been given the assignment to draft and submit proposed procedures to modify long-term sales. These proposals will be reviewed by the Office of the General Counsel, Administrative Services and Timber Management prior to implementation.

Task: Develop directives governing the collection and use of KV deposits for protecting and improving the future productivity of the renewable resources of the forest land within each timber sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management. (section 18).

Action: The Timber Management Staff will form an interdisciplinary Ad Hoc Team which, working under the guidance of a National Steering Committee, will formulate national policy on implementation of the amendment to the Knutson-Vandenberg Act. Recommendations will be received on the amount of collections that will be permitted and the proper use of such deposits.

RENEWABLE RESOURCE PROGRAM EXPANSION

Task: Include in the first and subsequent revisions of the Renewable Resource Program recommendations which: (1) evaluate objectives for the major Forest Service programs; (2) explain the opportunities for private owners to participate in programs to improve their forest and rangelands; (3) recognize relationships within renewable resources; (4) state national goals that recognize relationships within renewable resources; and (5) evaluate the impact of log exports and imports. (section 5.)

Action: (1) The RPA program process will include the requirement to evaluate Forest Service programs. The RPA Program Staff will conduct the evaluation. It will be done with the Multi-resource Use Interaction Model and through multi-objective analysis. The Model analyzes and interacts major resource components of the Assessment to determine the implications of various alternative management directions.

(2) The opportunities for private owners will be identified in the RPA program. Input will be obtained from State & Private Forestry, and the RPA Program Staff will incorporate the data into the Program.

(3) Recognition of the relationships within renewable resources will be considered throughout the development of the RPA program and quantified through use of the Multi-resource Use Interaction Model. Also the Program EIS will document this need. The RPA Program Staff will be responsible for this task.

(4) The statement of national goals will be covered in detail in the RPA program. The national goals will be thoroughly analyzed to show the interrelationship and interdependence among the renewable resources. The RPA Program Staff will handle the task.

(5) The evaluation of the impact of log exports and imports will be covered in both the RPA Assessment and Program. The situation will be described in the Assessment and the relationship to Forest Service programs will be included in the RPA program. Information will be obtained from the W.O. Forest Economics and Marketing Staff and the Foreign Trade Analysis Unit, Pacific Northwest Station.

REPORTS TO THE PRESIDENT AND CONGRESS

Task: Report in the 1979 and subsequent Renewable Resource Assessments on three new subject matter areas. Section 3 of the Act requires reports on additional fiber potential in the National Forest System, potential for increased utilization of forest and wood product wastes, and milling and other wood fiber product fabrication facilities.

Action: The reports on fiber potential and on increased utilization will be incorporated into the timber element of the Assessment and will be managed by the Assessment Lead Team. Timber Management and Renewable Resource Evaluation Units will provide information for the reports.

The report on milling and products will be included in the Assessment and managed by the Assessment Lead Team. Data for the report will be obtained from the Forest Products Laboratory and from State and Private Forestry.

Task: Report to Congress annually on certain additional activities and conditions.

A. Commencing with his submission of the annual report with the budget for fiscal year 1978, the Secretary is required by Section 4 of this Act to report annually on National Forest System lands which, according to objectives of land management plans, need to be reforested or contain stands of trees that are not growing at their best potential rate. He is also required to report the sums necessary to reforest and otherwise treat all lands being cut over, plus the sums necessary to eliminate backlogs within 8 years.

Action: The Timber Management Staff will prepare the report based on the reforestation inventory and submit it to the Program Development and Budget Staff for transmittal to Congress in conjunction with the annual RPA evaluation report.

B. The Secretary is also required to include the following in future RPA annual evaluation reports.

1. A Report on his progress in incorporating the newly required standards and guidelines in land management plans (section 6 "(c)").

Action: The Land Management Planning Staff will prepare this report and transmit to Program Development and Budget Staff for submission with the RPA annual evaluation report.

2. A summary of data and findings resulting from the analysis of the long-term costs and benefits of various programs (section 6 "(1)"). An initial part of this subtask will be to formulate and implement the analysis process.

Action: The Program Development and Budget Staff will assemble the process information available from the RPA and the 1979 Program Budget procedures which are now being worked on. The process will have to be refined to be responsive and specific to the direction in the Act. This will be done through use of available information and additions as necessary.

3. A description of the status of major research programs and findings and how those findings will be applied (Section 7).

Action: The Deputy Chief for Research will assemble an annual report of significant research findings and implications. The report will be built upon the new system of attainment reporting and will feature the implications to NFS as one part of the overall report.

C. The Secretary is required by section 4 of the Act to submit a special report to Congress on amounts, types, uses and effects of herbicides and pesticides used within the National Forest System.

Action: Preparation of this report will be the responsibility of Forest Insect and Disease Management. It is intended that the report will be automated, through the Computer Science Management Staff, to augment the existing pesticide-use reporting system. Field input to the Fort Collins facility and W.O. presentation of a summary report is expected. It is assumed that the report will include only land management uses of pesticides and that the narrative of the benefits and adverse effects will be by major category of use. The procedural aspects, preparation of instructional materials, and training for this effort should be accomplished in time to prepare the FY 1977 report.

Task: By March 1, 1977, conduct a study on Dutch elm disease and submit a report to the President and Congress on a plan for control of the disease. (Section 20).

Action: Research is developing a proposal that the Secretary of Agriculture assign specific responsibility for the Dutch Elm disease study to the Forest Service with cooperation from the Agricultural Research Service, Cooperative State Research Service, Animal and Plant Health Inspection Service, and Extension Service. Informal contact on this proposal has been established between the Forest Service and the other agencies. In addition, Research is developing a research plan and, with State and Private Forestry, is outlining a plan to determine disease incidence, control effectiveness, and plans for additional "outreach and public information about the disease."

TRANSPORTATION SYSTEM

Task: Develop directives for implementing the requirement of Section 8 of the Act that non-permanent roads be designed with the goal of reestablishing vegetative cover on the roadway within 10 years after termination of the contracts or permits which authorized their construction.

Action: An interdisciplinary group in NFS will review existing policies on non-system roads to determine what additional direction may be needed.

PUBLIC PARTICIPATION AND ADVISORY BOARDS

Task: Write regulations establishing procedures for giving Federal, State, and local governments and the public adequate notice and an opportunity to comment on the formulation of standards, criteria, and guidelines applicable to Forest Service programs. (Section 11) (New Section 14 to RPA)

Action: The Office of Information will prepare these regulations by August 1977. Preliminary work suggests the regulations will focus on the factors to be considered by line officers in determining if newly formulated standards, criteria, and guidelines need or require review because of significant impact upon the public or segments of the public. Initial factors now under consideration for adoption as regulation parallel those in the National Environmental Policy Act and in the USDA Consumer Representation Plan (Federal Register Vol. 41, September 28, 1976) which assist line officers in determining whether significant consumer impact is likely and, therefore, require public notice and review.

Office of Information will also work with other staff units and task forces to incorporate public participation into other directives and regulations as required.

Task: Establish advisory boards from groups interested in the administration of the National Forest System to secure information and advice on the execution of planning and management responsibilities. (Section 11) (New Section 14 to RPA).

Action: Establishment of new advisory committees at the National, Regional, and Forest Supervisor levels will be the responsibility of the Administrative Management Staff, in coordination with other WO units, Regions, Stations, and Areas.

The scope of the Regional committees has been broadened beyond the minimum requirements set forth in the National Forest Management Act. These committees will advise on Research and S&PF in addition to NFS activities. A National NFS Advisory Committee will be established to supplement the existing S&PF National Advisory Committee.

One combined request for establishment of a National and eight Regional committees is being processed to the Office of Management and Budget. The existing advisory committee for the California Region will be expanded by charter amendment. Regional requests for establishment of Forest advisory committees will also be consolidated into one combined action. Forests that now have multiple use advisory committees will not need to establish new committees, but can continue the existing committees until the current charters expire.

PAYMENTS TO STATES

Task: Establish procedures for estimating projected revenues and payments to States, and for making such information available to States for their use in local budget planning. (Section 16).

Action: The 1977 and 1978 receipt and payment information will have to be corrected to reflect the inclusion of purchaser credits and KV receipts. This will be added to base on which payments to States can be made. This will be done by the Program Development and Budget Staff with information available in the W.O. However, it will be necessary to obtain information from the field on the effects of the new law on the counties so that States can be provided with the current projections of revenues and payments estimated to be available in 1978.

LAND ACQUISITION

Task: Develop directives governing the preparation and submission of reports to Congress on land purchase or exchange proposals, and governing the final dispensation of such proposals. (Section 17). (Applies only to purchases or exchanges of $25,000 or more which previously went before the National Forest Reservation Commission.)

Action: The Lands Staff is drafting proposed changes in the Secretary's Rules and Regulations and the review and approval procedures for consideration by the Office of the General Counsel and concurrence in the Secretary's Office. After these have been agreed upon, arrangements will be made to meet with members of the House Agriculture Committee and the Senate Agriculture and Forestry Committee and their staffs to determine the information and procedures desired for cases sent to them.

OTHER AREAS

Task: Determine for budget preparation purposes, the cost of implementing the Act.

Action: The Program Development and Budget Staff has obtained from the Deputy areas estimates of additional requirements of manpower and dollars needed to implement the Act for fiscal year 1977 and 1978. This will be consolidated, approved by the Chief, and sent to the Department and OMB for action.

BACKGROUND

The highlights and implementation process of the Act have already been examined. The question of what precipitated the legislation will be answered now as the evolution of the Act is traced. Basically, an appeals court action in August 1975, known as the Monongahela decision, triggered the creation of the National Forest Management Act of 1976.

In the Monongahela decision, the Fourth Circuit Court of appeals affirmed a 1973 District Court decision limiting Forest Service authority to sell timber on three sales on the Monongahela National Forest in West Virginia. The decision interpreted the Organic Act of 1897 as allowing that only "dead, physiologically mature, and large growth" trees, individually marked for cutting, could be sold. Although the decision was limited to the three sales considered by the District Court, the Forest Service applied the decision to all nine National Forests under the jurisdiction of the Fourth Circuit after the Court's ruling. If it had been extended nationwide, it would have resulted in a 50 percent reduction in National Forest timber harvests.

The court recognized the impact of its decision and suggested a legislative remedy for the outdated 1897 Act. Meanwhile, the decision spurred additional litigation in Alaska, Texas, Georgia, and Tennessee. The Forest Service outlined the crucial need for statutory authority to enable it to use scientifically accepted forestry measures to assure a sustained yield of natural resources from the National Forest System. After it became clear that spreading litigation could produce chaos, several bills were introduced into Congress. The Administration agreed to the Forest Service working closely with Congressional Committees to develop a solution.

Before proceeding with the legislation that led eventually to the National Forest Management Act of 1976, the Forest Service had considered several possible legislative solutions to the problems created by the Monongahela Decision. A simple solution was hampered by complex developments. First, the Administration could not agree quickly on a bill to send to Congress. This meant it had to react to the myriad of bills submitted by members of Congress. These proposals became increasingly broader and more complex as

various publics became involved, representing divergent positions. Second, the agency also saw this as an opportunity for Congress to provide additional direction on the Nation's forestry policy. Third, it was recognized that legislation was needed to provide the authority to practice scientific forestry in order to carry out the Program developed under the Resources Planning Act. The Monongahela decision, had, in effect, nullified aspects of the Program.

The formulation of a workable compromise proved to be a herculean task. Initially, individual members of Congress proposed a myriad of solutions.

As in any controversial issue, there were basically two sides diametrically opposed to each other in seeking a solution to the Monongahela dilemma On one side were those who favored a bill submitted by Sen. Jennings Randolph of West Virginia in the Senate (S. 2926) and in the House of Representatives by George Brown of Calif. (H.R. 11894). The Randolph bill included various statutory requirements, specifications and standards which were designed to be legally enforceable and nondiscretionary. The bill perpetuated many of the restrictions of the Monongahela decision. The imposition of statutory definitions would have subjected most of the trees in the National Forests to a growth period of 200-300 years, much longer than necessary. The harvesting of eastern mixed hardwood forests would have been limited to selection cutting. Thinning and clearcutting were allowed in relatively few situations. The bill also called for a general limit on the size of clearcuts to 25 acres, mandatory distances between clearcuts, prevention of substantial cutting of immature trees, and other detailed requirements.

The other side, supported by many conservation groups and the timber industry, rallied around a bill introduced by Sen. Hubert Humphrey of Minnesota in the Senate (S. 3091) and in the House by Rep. Harold Johnson of Calif. (H.R. 12503). The Humphrey bill provided broad goals and direction to the Forest Service without the prescriptive restrictions of the Randolph bill. The Humphrey bill amended the Organic Act in a manner that would establish harmony with the long-range plans provided in the Resources Planning Act. Specific procedures and guidelines relating to management practices were part of the proposed amendment to the Resources Planning Act.

The Randolph and Humphrey bills received the most attention, but there were several other bills introduced. These bills provided such things as temporary authority for timber sales, consistent with provisions of the Multiple Use-Sustained Yield Act, and relief from

the Monongahela decision until Sept. 30, 1977; temporary timber sale authority in Alaska; establishment of a committee to make recommendations to Congress on forest policy with 2 years; elimination of the restrictive language which resulted in the Monongahela decision and allow timber sales based on the direction of the Multiple Use-Sustained Yield Act and the Resources Planning Act. Most of these were piecemeal or temporary approaches.

In April, the Senate Agriculture and Interior Committees and the House Agriculture and Forestry Committee held hearings on the proposed legislation. At those hearings, the Administration reported favorably on the Humphrey bill. The bill also received strong support from many professional scientific groups and the timber industry at that time. A number of environmentalists, led by the "Coalition to Save Our National Forests," supported the Randolph bill. However, support from conservation groups was split, with some, particularly wildlife interests, favoring the Humphrey bill and others, the Randolph bill.

In May, the Senate Committees on Agriculture and Forestry and on Interior and Insular Affairs ordered reported to the full Senate the Humphrey bill, S. 3091, with amendments. Prescriptive amendments by Sen. Randolph and others were not adopted by the Committees although several of the principles were adopted. These and other amendments to the bill did provide additional guidelines for land management plans and provisions to strengthen Congressional direction of national forest management, while granting the Forest Service necessary management flexibility.

At this point, the Forest Service, in considering the varying viewpoints of the committees, concluded that the amended version of S. 3091 was a good compromise of many competing interests. However, there were still more negotiations to follow, and time became an increasingly important factor. The matter was further complicated because, although the timber industry had supported the original Humphrey bill, it opposed certain amendments, particularly those relating to marginal lands, even-flow policy, and roads.

Following the hearings in the House, the late Congressman Litton of Missouri and Congressman Symms of Idaho sponsored a new bill as an apparent compromise proposal. In June, the House Subcommittee on Forestry began markup of legislation by comparing analysis of seven bills. Markup however, was postponed until after the July recess by Congress. The specter of having to start all over again in 1977 became very real with the delay. However, markup was completed in

August, and the Subcommittee introduced a "clean" bill (H.R. 15069) for consideration by the full House Agriculture Committee.

In late August, the Senate tabled a Randolph amendment which would have required uneven-aged management in the eastern National Forests. On the basis of this action, Senator Randolph decided not to call up four other amendments. More importantly, the Senate passed S. 3091 by a vote of 90-0.

On the first day of September, the House Committee on Agriculture reported to the House H.R. 15069 with amendments. Some of these amendments such as provisions that timber purchaser road construction credits and K-V deposits be considered as receipts for 25 percent fund purposes were already contained in the Senate bill. Others were not, such as provisions for establishment of standards to assure stands reached culmination of mean annual increment prior to harvest; adoption of a "sunset" provision tying appropriations authorizations to submission of the RPA program in 1980 and beyond; and adoption of general language placing emphasis on the Forest Service's responsibility to be diligent in seeking to prevent collusion in timber sale bidding. In addition, two proposed amendments included in S. 3091--the even-flow nondeclining yield policy and restriction on sales on marginal lands--were not adopted by the Committee. The House passed the bill on September 17 by a vote of 305-24.

Working under tight deadline pressure for the bill to be passed by both houses of Congress before adjournment, the Senate-House conferees began to resolve the differences between the two bills. Finally, on September 28, a last compromise was reached and a bill was reported out of conference.

In resolving differences between the Senate and House versions of the bill, the conferees agreed to retain the Senate's even-flow non-declining yield policy. However, language was added to give the Forest Service some flexibility in departing from the policy where multiple use objectives could be met in the land management plan, with any exceptions to be spelled out by the Secretary in regulations. The Senate provision on the cost of production on marginal lands was not adopted. Instead, a compromise was developed with requires identification of lands not suited for timber production. The "sunset" provision was deleted. The conferees agreed that a provision of the House bill that would have required sealed bids for sales under one million board feet should apply to all bidders for advertised sales. The conferees also dropped the Senate provision

amending the 1964 National Forest Road and Trails System Act to delete the "prudent operator" road provision. Instead, a compromise was reached which permits small businesses to elect to build roads or have the Forest Service build roads when they bid on a sale rather than be allowed purchaser credit. Both houses agreed to the conference report on Sept. 30, just one day before final adjournment. On October 22, the President signed the bill, which then became Public Law 94-588.

Thus, Congress succeeded in reaching a compromise solution to the Monongahela decision which had sparked the legislative process for the National Forest Management Act of 1976. The passage of the National Forest Management Act marked the end of a year of crisis for the forestry profession. But more accurately, it marks the beginning of a new era for Federal forestry, now equipped with the tools needed to practice scientific forest management.

QUESTIONS AND ANSWERS

Q. What precipitated the National Forest Management Act of 1976?

A. In August 1975, the Fourth Circuit Court of Appeals affirmed a 1973 district court decision limiting Forest Service authority to sell timber on the Monongahela National Forest in West Virginia. The action became known as the "Monongahela decision." In the decision, the courts interpreted the Organic Act of 1897 as allowing that only "dead, physiologically mature, and large growth" trees, individually marked for cutting, could be sold. Although limited to sales in the Monongahela, the decision was extended by the Forest Service to the nine National Forests under the jurisdiction of the Fourth Circuit. The agency estimated nationwide application of the decision would have resulted in a 50 percent reduction in National Forest timber harvests. The court recognized the impact of its decision and suggested legislative remedy for this outdated portion of the 1897 Act. The Monongahela decision also paved the way for additional litigation. The Forest Service outlined the crucial need for statutory authority to enable it to use scientifically accepted forestry measures to assure a sustained yield of natural resources from the National Forest System. Congress set about the task of reconciling the differences of environmental and timber industry groups for a workable compromise.

Q. Did the Forest Service seek a simpler legislative solution than the National Forest Management Act to the problems created by the Monongahela decision?

A. The Forest Service considered several possible legislative solutions but it was hampered by the complexity of developments. First, the Administration could not quickly agree on a bill to send to Congress. This meant it had to react to the myriad of bills submitted by members of Congress. These proposals became increasingly broad and more complex as various publics became involved, representing divergent positions. Second, the agency also saw this as an opportunity for Congress to provide additional direction on the Nation's forestry policy. Third, it was recognized that legislation was needed to provide the authority to practice scientific forestry in order to carry out the Program developed under the Resources Planning Act. The Monongahela decision had,

in effect, nullified aspects of the Program. Congress responded by providing broad policy guidelines and the latitude necessary to use technical forestry skills, scientific knowledge, and professional judgement to manage the national forest and range lands in the best interest of the Nation.

Q. What impact will the Act have on timber sale litigation?

A. The Act validates existing sales provided such sales comply with Forest Service silvicultural plans and sales procedures in effect at the time of sale. The Act provides new statutory timber sale authority for the Forest Service. Cases based solely on violation of the timber sales provision of the Organic Act, such as the Monongahela, would be mooted. For 50-year timber sales in Alaska, the Secretary of Agriculture is directed in the Act to develop 5-year operating plans which are consistent with the new legislation.

Q. Does the Act give the Forest Service the authority necessary to manage the National Forest System for a sustained yield of natural resources?

A. Yes. The National Forest Management Act eliminates the restrictive provisions of the Organic Act and provides the Secretary of Agriculture with the authority and flexibility he needs to manage all the resources of the National Forests in harmony with the guidelines of the Multiple Use Sustained-Yield Act.

In essence, Congress has provided the Forest Service with policy direction, while allowing it latitude to use the scientific silvicultural methods necessary to carry out resource management activities properly.

Q. How does the Act affect the statutory status of National Forest lands?

A. Prior to the Act, the President could establish, abolish, or modify National Forests created from the public domain by proclamation. However, statutory provisions of the Act now permit National Forest System lands to be returned to public domain status only by an Act of Congress. In other words, only Congress can now abolish a National Forest.

Q. How does the Act relate to the Resources Planning Act?

A. The Act amends the RPA and other laws to improve the management of the National Forest System and to facilitate public involvement and congressional oversight. Many provisions of the Act are directly related to the RPA. The Act provides the Forest Service with the necessary legislative authority to carry out the Program based on the Assessment. The Act also establishes procedures and new requirements for the Assessment, Program, Annual Report on the Program, and other reports.

Q. What reports does the Act require?

A. Reports on increased fiber potential and utilization are required to be added to the Renewable Resource Assessments. The Secretary must report on reforestation needs in the National Forest System annually. The Secretary is also required to include in future RPA annual evaluation reports progress in incorporating the newly required standards and guidelines in land management plans, a summary of data and findings resulting from the analysis of the long-term costs and benefits of various programs, and a description of major research programs and findings and how those findings will be applied. An annual report on herbicides and pesticides used within the National Forest System is required. A Dutch elm disease study and program is due by March 1, 1977.

Q. How does the Act affect land management planning?

A. The Act strengthens and refines planning processes by ensuring that both program and land management processes are comprehensive and fully open to the public. The legislation requires public participation in those processes. In general, Congress supported Forest Service planning processes but gave it new directions to improve on what is already being done. Specifically, the Forest Service must make land management plans more readily accessible to the public. It must also achieve better coordination by putting the plans in one document or series of documents and physically locating them in one place.

Q. How does the Act affect the management of forest and rangelands in State and private ownership?

A. The Act requires the Secretary of Agriculture to: (1) report on the potential for increased utilization of forest and wood product wastes in the National Forest System and on other lands; and (2) to recommend opportunities for the owners of forests and rangelands to participate in programs to improve and enhance the condition of these lands and its renewable resource products.

Q. What affect does the Act have on the Forest Service even-flow sustained-yield policy?

A. Congress determined that a relatively even, sustained harvest of timber in perpetuity--a practice already followed by the Forest Service--was the appropriate public policy, and, in effect, mandated a nondeclining even flow. Some discretion was granted in land management planning to depart from that policy under certain circumstances. Increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement, would be permitted--provided such practices justified increasing the harvest in accordance with balanced multiple use and proper land management planning. Salvage or sanitation harvest of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack, would also be permitted, even though it would cause a variance from even-flow.

Q. How does the Act provide for improving public participation in Forest Service plans and policies?

A. The Act requires the Secretary of Agriculture, by regulation, to establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public adequate notice of, and opportunities to comment upon, the formulation of standards and guidelines applicable to Forest Service programs. There is a provision for public participation in the development, review, and revision of land management plans to be conducted in the vicinity of the affected unit for at least three months prior to final adoption. The Secretary is also to establish and consult with advisory boards as he deems necessary, as an additional means of providing public participation in planning for and management of the National Forest System. A committee of scientists, who are not Forest

Service employees, will be appointed to provide guidance in developing regulations applicable to the full scope of land management planning prescribed by the Act.

Q. How does the Act affect clearcutting on the National Forests?

A. Clearcutting will be permitted when it is determined, through the planning process, to be the optimum method for meeting the objectives of the land management plans. Judgment of whether clearcutting is the optimum method will be based on interdisciplinary review and conclusions. This process places additional emphasis on present land management evaluation practices. The harvesting system to be used will not be selected primarily because it will give the greatest dollar return or the greatest unit output of timber. Until land management plans are adopted, Congress has directed the Forest Service to continue to harvest timber in compliance with the "Church guidelines" recommended by the Senate Subcommittee on Public Lands in 1972 and adopted at that time by the agency. Therefore, the Forest Service does not anticipate the Act will result in any substantial change in the total acreage of National Forest land to be clearcut.

Q. How will the Act affect the payments to States?

A. The Act will increase the 25 percent payments to States for schools and roads by increasing the base on which such payments are calculated. In addition to the present base consisting of monies received from National Forest receipts, the Act adds (1) all collections under the Knutson-Vandenberg Act of June 9, 1930, from timber purchases for reforestation and timber stand improvement on cutover lands, and (2) all credits to the purchaser in timber sale contracts for construction of permanent roads. Under the provisions of the Act, future payments could increase by 25 to 50 percent to some States and counties.

Q. How will the Act affect the way in which National Forest timber is sold?

A. The Act requires the Secretary of Agriculture to advertise all sales larger than $10,000 unless he determines extraordinary conditions exist. Sales contracts will not exceed 10 years unless the Secretary determines that better utilization of forest resources would result from a longer contract period. Sealed bidding will be required for timber sales except where he determines otherwise by regulation. Bids will be monitored

to prevent collusive practices of noncompetitive bidding. Designation, timber marking when necessary, and supervision of the harvesting will be done by Department of Agriculture employees. A plan of operation subject to concurrence by the Secretary must be filed as soon as possible for advertised sales with terms of 2 years or longer. Standards are to be established for the removal of trees and forest products to provide for the optimum practical use of wood material.

Q. How does the Act affect the construction of roads necessary for timber harvest?

A. If the timber purchaser qualifies under the Small Business Act as a "small business concern," and the estimated construction costs of necessary permanent roads exceed $20,000, the purchaser will have the right, except in Alaska, to elect that the Secretary of Agriculture build the proposed road. If the purchaser elects not to build the road, the purchaser payments will be increased proportionately. All temporary roads will be designed to reestablish vegetative cover on the roadway and related areas within 10 years after termination of the lease, permit or contract. The Act also requires road construction standards appropriate for intended uses considering safety, transportation costs, and impacts on land and resources. This means that roads should be neither over-built nor under-built for their planned purposes.

Q. How will the use of lands not suitable for timber production be determined?

A. The Act requires the Forest Service to identify lands not suitable for timber production considering physical, economic, and other pertinent factors. Reevaluations of such lands will be conducted every 10 years to determine which lands are really suitable for timber production considering those factors. The Forest Service is directed to protect multiple use values on these lands. Salvage sales and sales necessary for protection of those values are permitted. Thus, the conditions under which the agency will manage land for commercial timber production will be more clearly defined and monitored than in the past.

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Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the nineteenth day of January, one thousand nine hundred and seventy-six

An Act

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Forest Management Act of 1976".

FINDINGS

SEC. 2. The Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476; 16 U.S.C. 1601–1610) is amended by redesignating sections 2 through 11 as sections 3 through 12, respectively; and by adding a new section 2 as follows:

"SEC. 2. FINDINGS.—The Congress finds that—

"(1) the management of the Nation's renewable resources is highly complex and the uses, demand for, and supply of the various resources are subject to change over time;

"(2) the public interest is served by the Forest Service, Department of Agriculture, in cooperation with other agencies, assessing the Nation's renewable resources, and developing and preparing a national renewable resource program, which is periodically reviewed and updated;

"(3) to serve the national interest, the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands, through analysis of environmental and economic impacts, coordination of multiple use and sustained yield opportunities as provided in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528–531), and public participation in the development of the program;

"(4) the new knowledge derived from coordinated public and private research programs will promote a sound technical and ecological base for effective management, use, and protection of the Nation's renewable resources;

"(5) inasmuch as the majority of the Nation's forests and rangeland is under private, State, and local governmental management and the Nation's major capacity to produce goods and services is based on these nonfederally managed renewable resources, the Federal Government should be a catalyst to encourage and assist these owners in the efficient long-term use and improvement of these lands and their renewable resources consistent with the principles of sustained yield and multiple use;

"(6) the Forest Service, by virtue of its statutory authority for management of the National Forest System, research and cooperative programs, and its role as an agency in the Department of Agriculture, has both a responsibility and an opportunity to be a leader in assuring that the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity; and

"(7) recycled timber product materials are as much a part of our renewable forest resources as are the trees from which they originally came, and in order to extend our timber and timber fiber resources and reduce pressures for timber production from Federal lands, the Forest Service should expand its research in the use of recycled and waste timber product materials, develop techniques for the substitution of these secondary materials for primary materials, and promote and encourage the use of recycled timber product materials.".

REPORTS ON FIBER POTENTIAL, WOOD UTILIZATION BY MILLS, WOOD WASTES AND WOOD PRODUCT RECYCLING

SEC. 3. Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by adding at the end thereof a new subsection (c) as follows:

"(c) The Secretary shall report in the 1979 and subsequent Assessments on:

"(1) the additional fiber potential in the National Forest System including, but not restricted to, forest mortality, growth, salvage potential, potential increased forest products sales, economic constraints, alternate markets, contract considerations, and other multiple use considerations;

"(2) the potential for increased utilization of forest and wood product wastes in the National Forest System and on other lands, and of urban wood wastes and wood product recycling, including recommendations to the Congress for actions which would lead to increased utilization of material now being wasted both in the forests and in manufactured products; and

"(3) the milling and other wood fiber product fabrication facilities and their location in the United States, noting the public and private forested areas that supply such facilities, assessing the degree of utilization into product form of harvested trees by such facilities, and setting forth the technology appropriate to the facilities to improve utilization either individually or in aggregate units of harvested trees and to reduce wasted wood fibers. The Secretary shall set forth a program to encourage the adoption by these facilities of these technologies for improving wood fiber utilization.

"(d) In developing the reports required under subsection (c) of this section, the Secretary shall provide opportunity for public involvement and shall consult with other interested governmental departments and agencies.".

REFORESTATION

SEC. 4. Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by adding at the end thereof new subsections (d) and (e) as follows:

"(d)(1) It is the policy of the Congress that all forested lands in the National Forest System shall be maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans. Accordingly, the Secretary is directed to identify and report to the Congress annually at the time of submission of the President's budget together with the annual report provided for under section 8(c) of this Act, beginning with submission of the President's

budget for fiscal year 1978, the amount and location by forests and States and by productivity class, where practicable, of all lands in the National Forest System where objectives of land management plans indicate the need to reforest areas that have been cut-over or otherwise denuded or deforested, and all lands with stands of trees that are not growing at their best potential rate of growth. All national forest lands treated from year to year shall be examined after the first and third growing seasons and certified by the Secretary in the report provided for under this subsection as to stocking rate, growth rate in relation to potential and other pertinent measures. Any lands not certified as satisfactory shall be returned to the backlog and scheduled for prompt treatment. The level and types of treatment shall be those which secure the most effective mix of multiple use benefits.

"(2) Notwithstanding the provisions of section 9 of this Act, the Secretary shall annually for eight years following the enactment of this subsection, transmit to the Congress in the manner provided in this subsection an estimate of the sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to be in need of treatment to eliminate the backlog within the eight-year period. After such eight-year period, the Secretary shall transmit annually to the Congress an estimate of the sums necessary to replant and otherwise treat all lands being cut over and maintain planned timber production on all other forested lands in the National Forest System so as to prevent the development of a backlog of needed work larger than the needed work at the beginning of the fiscal year. The Secretary's estimate of sums necessary, in addition to the sums available under other authorities, for accomplishment of the reforestation and other treatment of National Forest System lands under this section shall be provided annually for inclusion in the President's budget and shall also be transmitted to the Speaker of the House and the President of the Senate together with the annual report provided for under section 8(c) of this Act at the time of submission of the President's budget to the Congress beginning with the budget for fiscal year 1978. The sums estimated as necessary for reforestation and other treatment shall include moneys needed to secure seed, grow seedlings, prepare sites, plant trees, thin, remove deleterious growth and underbrush, build fence to exclude livestock and adverse wildlife from regeneration areas and otherwise establish and improve growing forests to secure planned production of trees and other multiple use values.

"(3) Effective for the fiscal year beginning October 1, 1977, and each fiscal year thereafter, there is hereby authorized to be appropriated for the purpose of reforesting and treating lands in the National Forest System $200,000,000 annually to meet requirements of this subsection (d). All sums appropriated for the purposes of this subsection shall be available until expended.

"(e) The Secretary shall submit an annual report to the Congress on the amounts, types, and uses of herbicides and pesticides used in the National Forest System, including the beneficial or adverse effects of such uses.".

RENEWABLE RESOURCE PROGRAM

SEC. 5. Section 4 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by striking out the word "and" at the end of paragraph (3); striking out the word "satisfy" and inserting in lieu thereof "implement and monitor" in paragraph (4); striking out the period at the

end of paragraph (4) and inserting in lieu thereof a semicolon and the word "and"; and by adding a new paragraph (5) as follows:

"(5) Program recommendations which—

"(A) evaluate objectives for the major Forest Service programs in order that multiple-use and sustained-yield relationships among and within the renewable resources can be determined;

"(B) explain the opportunities for owners of forests and rangeland to participate in programs to improve and enhance the condition of the land and the renewable resource products therefrom;

"(C) recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources;

"(D) state national goals that recognize the interrelationships between and interdependence within the renewable resources; and

"(E) evaluate the impact of the export and import of raw logs upon domestic timber supplies and prices.".

NATIONAL FOREST SYSTEM RESOURCE PLANNING

SEC. 6. Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by adding at the end thereof new subsections (c) through (m) as follows:

"(c) The Secretary shall begin to incorporate the standards and guidelines required by this section in plans for units of the National Forest System as soon as practicable after enactment of this subsection and shall attempt to complete such incorporation for all such units by no later than September 30, 1985. The Secretary shall report to the Congress on the progress of such incorporation in the annual report required by section 8(c) of this Act. Until such time as a unit of the National Forest System is managed under plans developed in accordance with this Act, the management of such unit may continue under existing land and resource management plans.

"(d) The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.

"(e) In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans—

"(1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960, and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness; and

"(2) determine forest management systems, harvesting levels, and procedures in the light of all of the uses set forth in subsection (c)(1), the definition of the terms 'multiple use' and 'sustained yield' as provided in the Multiple-Use Sustained-Yield Act of 1960, and the availability of lands and their suitability for resource management.

"(f) Plans developed in accordance with this section shall—

"(1) form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents, available to the public at convenient locations, all of the features required by this section;

"(2) be embodied in appropriate written material, including maps and other descriptive documents, reflecting proposed and possible actions, including the planned timber sale program and the proportion of probable methods of timber harvest within the unit necessary to fulfill the plan;

"(3) be prepared by an interdisciplinary team. Each team shall prepare its plan based on inventories of the applicable resources of the forest;

"(4) be amended in any manner whatsoever after final adoption after public notice, and, if such amendment would result in a significant change in such plan, in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section; and

"(5) be revised (A) from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every fifteen years, and (B) in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section.

"(g) As soon as practicable, but not later than two years after enactment of this subsection, the Secretary shall in accordance with the procedures set forth in section 553 of title 5, United States Code, promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960, that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—

"(1) specifying procedures to insure that land management plans are prepared in accordance with the National Environmental Policy Act of 1969, including, but not limited to, direction on when and for what plans an environmental impact statement required under section 102(2)(C) of that Act shall be prepared;

"(2) specifying guidelines which—

"(A) require the identification of the suitability of lands for resource management;

"(B) provide for obtaining inventory data on the various renewable resources, and soil and water, including pertinent maps, graphic material, and explanatory aids; and

"(C) provide for methods to identify special conditions or situations involving hazards to the various resources and their relationship to alternative activities;

"(3) specifying guidelines for land management plans developed to achieve the goals of the Program which—

"(A) insure consideration of the economic and environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resources, to provide for outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish;

"(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate,

to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;

"(C) insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;

"(D) permit increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement if (i) such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act of 1960, and (ii) such harvest levels are decreased at the end of each planning period if such practices cannot be successfully implemented or funds are not received to permit such practices to continue substantially as planned;

"(E) insure that timber will be harvested from National Forest System lands only where—

"(i) soil, slope, or other watershed conditions will not be irreversibly damaged;

"(ii) there is assurance that such lands can be adequately restocked within five years after harvest;

"(iii) protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat; and

"(iv) the harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber; and

"(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber will be used as a cutting method on National Forest System lands only where—

"(i) for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan;

"(ii) the interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area;

"(iii) cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;

"(iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: *Provided*, That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and

"(v) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.

"(h)(1) In carrying out the purposes of subsection (g) of this section, the Secretary of Agriculture shall appoint a committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate upon promulgation of the regulations, but the Secretary may, from time to time, appoint similar committees when considering revisions of the regulations. The views of the committees shall be included in the public information supplied when the regulations are proposed for adoption.

"(2) Clerical and technical assistance, as may be necessary to discharge the duties of the committee, shall be provided from the personnel of the Department of Agriculture.

"(3) While attending meetings of the committee, the members shall be entitled to receive compensation at a rate of $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(i) Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. Those resource plans and permits, contracts, and other such instruments currently in existence shall be revised as soon as practicable to be made consistent with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable. Any revision in present or future permits, contracts, and other instruments made pursuant to this section shall be subject to valid existing rights.

"(j) Land management plans and revisions shall become effective thirty days after completion of public participation and publication of notification by the Secretary as required under section 6(d) of this Act.

"(k) In developing land management plans pursuant to this Act, the Secretary shall identify lands within the management area which are not suited for timber production, considering physical, economic, and other pertinent factors to the extent feasible, as determined by the Secretary, and shall assure that, except for salvage sales or sales necessitated to protect other multiple-use values, no timber harvesting shall occur on such lands for a period of 10 years. Lands once identified as unsuitable for timber production shall continue to be treated for reforestation purposes, particularly with regard to the protection of other multiple-use values. The Secretary shall review his decision to classify these lands as not suited for timber production at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production.

"(l) The Secretary shall—

"(1) formulate and implement, as soon as practicable, a process for estimating long-terms costs and benefits to support the program evaluation requirements of this Act. This process shall

include requirements to provide information on a representative sample basis of estimated expenditures associated with the reforestation, timber stand improvement, and sale of timber from the National Forest System, and shall provide a comparison of these expenditures to the return to the Government resulting from the sale of timber; and

"(2) include a summary of data and findings resulting from these estimates as a part of the annual report required pursuant to section 8(c) of this Act, including an identification on a representative sample basis of those advertised timber sales made below the estimated expenditures for such timber as determined by the above cost process; and

"(m) The Secretary shall establish—

"(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the discretion of the Secretary): *Provided*, That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures: *Provided further*, That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; and

"(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to the multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section.".

NATIONAL PARTICIPATION

SEC. 7. Section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended—

(a) by striking out "sixty" in the second sentence of subsection (a) and inserting in lieu thereof the word "ninety"; and by striking out "sixty-day period" in the third sentence of subsection (a) and inserting in lieu thereof "ninety-day period"; and

(b) by adding a new sentence at the end of subsection (c) as follows: "With regard to the research component of the program, the report shall include, but not be limited to, a description of the status of major research programs, significant findings, and how these findings will be applied in National Forest System management.".

TRANSPORTATION SYSTEM

SEC. 8. Section 10 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by inserting "(a)" immediately before the words "The Congress" and inserting at the end thereof new subsections (b) and (c) as follows:

"(b) Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing

vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System.

"(c) Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources.".

NATIONAL FOREST SYSTEM

SEC. 9. Section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of the Act of June 4, 1897 (30 Stat. 34; 16 U.S.C. 473), no land now or hereafter reserved or withdrawn from the public domain as national forests pursuant to the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress.".

RENEWABLE RESOURCES

SEC. 10. Section 12 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by striking out the period at the end of that section and inserting in lieu thereof the following: "and on the date of enactment of any legislation amendatory or supplementary thereto.".

LIMITATIONS ON TIMBER REMOVAL; PUBLIC PARTICIPATION AND ADVISORY BOARDS; REGULATIONS; SEVERABILITY

SEC. 11. The Forest and Rangeland Renewable Resources Planning Act of 1974 is amended by adding at the end thereof new sections 13 through 16 as follows:

"SEC. 13. LIMITATIONS ON TIMBER REMOVAL.—(a) The Secretary of Agriculture shall limit the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis: *Provided*, That, in order to meet overall multiple-use objectives, the Secretary may establish an allowable sale quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established: *Provided further*, That any such planned departure must be consistent with the multiple-use management objectives of the land management plan. Plans for variations in the allowable sale quantity must be made with public participation as required by section 6(d) of this Act. In addition, within any decade, the Secretary may sell a quantity in excess of the annual allowable sale quantity estabished pursuant to this section in the case of any national forest so long as the average sale quantities of timber from such national forest over the decade covered by the plan do not exceed such quantity limitation. In those cases where a forest has less than two hundred thousand acres of commercial forest land, the Secretary may use two or more forests for purposes of determining the sustained yield.

"(b) Nothing in subsection (a) of this section shall prohibit the Secretary from salvage or sanitation harvesting of timber stands

which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack. The Secretary may either substitute such timber for timber that would otherwise be sold under the plan or, if not feasible, sell such timber over and above the plan volume.

"SEC. 14. PUBLIC PARTICIPATION AND ADVISORY BOARDS.—(a) In exercising his authorities under this Act and other laws applicable to the Forest Service, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

"(b) In providing for public participation in the planning for and management of the National Forest System, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) and other applicable law, shall establish and consult such advisory boards as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards shall be representative of a cross section of groups interested in the planning for and management of the National Forest System and the various types of use and enjoyment of the lands thereof.".

"SEC. 15. REGULATIONS.—The Secretary of Agriculture shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this Act.

"SEC. 16. SEVERABILITY.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.".

CONFORMING AMENDMENTS TO THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974

SEC. 12. The Forest and Rangeland Renewable Resources Planning Act of 1974 is amended as follows:

(a) Section 6(a), as redesignated by section 2 of this Act, is amended by striking out "section 3" and inserting in lieu thereof "section 4".

(b) Section 8, as redesignated by section 2 of this Act, is amended—

(1) by striking out "section 2" and "section 3" in the first sentence of subsection (a) and inserting in lieu thereof "section 3" and "section 4", respectively;

(2) by striking out "section 3" in subsection (c) and inserting in lieu thereof "section 4"; and

(3) by striking out "section 3" in the first sentence of subsection (d) and inserting in lieu thereof "section 4".

AMENDMENT TO THE ORGANIC ACT

SEC. 13. The twelfth undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" in the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 476), is hereby repealed.

TIMBER SALES ON NATIONAL FOREST SYSTEM LANDS

SEC. 14. (a) For the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C.

528–531) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476; 16 U.S.C. 1601–1610), the Secretary of Agriculture, under such rules and regulations as he may prescribe, may sell, at not less than appraised value, trees, portions of trees, or forest products located on National Forest System lands.

(b) All advertised timber sales shall be designated on maps, and a prospectus shall be available to the public and interested potential bidders.

(c) The length and other terms of the contract shall be designed to promote orderly harvesting consistent with the principles set out in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. Unless there is a finding by the Secretary of Agriculture that better utilization of the various forest resources (consistent with the provisions of the Multiple-Use Sustained-Yield Act of 1960) will result, sales contracts shall be for a period not to exceed ten years: *Provided*, That such period may be adjusted at the discretion of the Secretary to provide additional time due to time delays caused by an act of an agent of the United States or by other circumstances beyond the control of the purchaser. The Secretary shall require the purchaser to file as soon as practicable after execution of a contract for any advertised sale with a term of two years or more, a plan of operation, which shall be subject to concurrence by the Secretary. The Secretary shall not extend any contract period with an original term of two years or more unless he finds (A) that the purchaser has diligently performed in accordance with an approved plan of operation or (B) that the substantial overriding public interest justifies the extension.

(d) The Secretary of Agriculture shall advertise all sales unless he determines that extraordinary conditions exist, as defined by regulation, or that the appraised value of the sale is less than $10,000. If, upon proper offering, no satisfactory bid is received for a sale, or the bidder fails to complete the purchase, the sale may be offered and sold without further advertisement.

(e) The Secretary of Agriculture shall take such action as he may deem appropriate to obviate collusive practices in bidding for trees, portions of trees, or forest products from National Forest System lands, including but not limited to—

(1) establishing adequate monitoring systems to promptly identify patterns of noncompetitive bidding;

(2) requiring sealed bidding on all sales except where the Secretary determines otherwise by regulation; and

(3) requiring that a report of instances of such collusive practices or patterns of noncompetitive bidding be submitted to the Attorney General of the United States with any and all supporting data.

(f) The Secretary of Agriculture, under such rules and regulations as he may prescribe, is authorized to dispose of, by sale or otherwise, trees, portions of trees, or other forest products related to research and demonstration projects.

(g) Designation, marking when necessary, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture. Such persons shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the purchaser thereof.

(h) The Secretary of Agriculture shall develop utilization standards, methods of measurement, and harvesting practices for the removal of trees, portions of trees, or forest products to provide for

the optimum practical use of the wood material. Such standards, methods, and practices shall reflect consideration of opportunities to promote more effective wood utilization, regional conditions, and species characteristics and shall be compatible with multiple use resource management objectives in the affected area. To accomplish the purpose of this subsection in situations involving salvage of insect-infested, dead, damaged, or down timber, and to remove associated trees for stand improvement, the Secretary is authorized to require the purchasers of such timber to make monetary deposits, as a part of the payment for the timber, to be deposited in a designated fund from which sums are to be used, to cover the cost to the United States for design, engineering, and supervision of the construction of needed roads and the cost for Forest Service sale preparation and supervision of the harvesting of such timber. Deposits of money pursuant to this subsection are to be available until expended to cover the cost to the United States of accomplishing the purposes for which deposited: *Provided*, That such deposits shall not be considered as moneys received from the national forests within the meaning of sections 500 and 501 of title 16, United States Code: *And provided further*, That sums found to be in excess of the cost of accomplishing the purposes for which deposited on any national forest shall be transferred to miscellaneous receipts in the Treasury of the United States.

(i) (1) For sales of timber which include a provision for purchaser credit for construction of permanent roads with an estimated cost in excess of $20,000, the Secretary of Agriculture shall promulgate regulations requiring that the notice of sale afford timber purchasers qualifying as "small business concerns" under the Small Business Act, as amended, and the regulations issued thereunder, an estimate of the cost and the right, when submitting a bid, to elect that the Secretary build the proposed road: *Provided*, That the provisions of this subsection shall not apply to sales of timber on National Forest System lands in the State of Alaska.

(2) If the purchaser makes such an election, the price subsequently paid for the timber shall include all of the estimated cost of the road. In the notice of sale, the Secretary of Agriculture shall set a date when such road shall be completed which shall be applicable to either construction by the purchaser or the Secretary, depending on the election. To accomplish requested work, the Secretary is authorized to use from any receipts from the sale of timber a sum equal to the estimate for timber purchaser credits, and such additional sums as may be appropriated for the construction of roads, such funds to be available until expended, to construct a road that meets the standards specified in the notice of sale.

(3) The provisions of this subsection shall become effective on October 1, 1976.

VALIDATION OF TIMBER SALES CONTRACTS

SEC. 15. (a) Timber sales made pursuant to the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 476), prior to the date of enactment of this section shall not be invalid if the timber was sold in accord with Forest Service silvicultural practices and sales procedures in effect at the time of the sale, subject to the provisions of subsection (b) of this section.

(b) The Secretary of Agriculture is directed, in developing five-year operating plans under the provisions of existing fifty-year timber sales contracts in Alaska, to revise such contracts to make them consistent with the guidelines and standards provided for in the Forest

and Rangeland Renewable Resources Planning Act of 1974, as amended, and to reflect such revisions in the contract price of timber. Any such action shall not be inconsistent with valid contract rights approved by the final judgment of a court of competent jurisdiction.

PAYMENTS TO STATES FOR SCHOOLS AND ROADS

SEC. 16. The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908, as amended, and section 13 of the Act of March 1, 1911, as amended (35 Stat. 260, 36 Stat. 963, as amended; 16 U.S.C. 500), are each amended by adding at the end thereof, respectively, the following new sentence: "Beginning October 1, 1976, the term 'moneys received' shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.".

ACQUISITION OF NATIONAL FOREST SYSTEM LANDS

SEC. 17. (a) The Act of March 1, 1911 (36 Stat. 961), as amended (16 U.S.C. 480, 500, 513–517, 517a, 518, 519, 521, 552, 563), is amended as follows:

(1) Section 4, as amended, is repealed, and all functions of the National Forest Reservation Commission are transferred to the Secretary of Agriculture.

(2) Section 5 is repealed.

(3) Section 6 is amended to read as follows: "The Secretary of Agriculture is hereby authorized and directed to examine, locate, and purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber. No deed or other instrument of conveyance of lands referred to herein shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.".

(4) Section 7, as amended, is amended to read as follows: "When the public interests will be benefited thereby, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive

weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subjected to all provisions of this Act.".

(5) Section 9, as amended, is amended by striking out the following language in the first sentence: "the National Forest Reservation Commission and".

(6) Section 14, as amended, is repealed.

(b) For purposes of providing information that will aid the Congress in its oversight responsibilities and improve the accountability of expenditures for the acquisition of forest land, the Secretary of Agriculture may not hereafter enter into any land purchase or exchange relating to the National Forest System of $25,000 or more for the types of lands which have been heretofore approved by the National Forest Reservation Commission until after 30 days from the date upon which a detailed report of the facts concerning such proposed purchase or transfer is submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate or such earlier time as may be approved by both such committees. Such report shall contain at least the following:

(1) guidelines utilized by the Secretary in determining that the land should be acquired;

(2) the location and size of the land;

(3) the purchase price of the land and the criteria used by the Secretary in determining such price; and

(4) the person from whom the land is being acquired.

AMENDMENT TO THE KNUTSON-VANDENBERG ACT

SEC. 18. Section 3 of the Act of June 9, 1930 (46 Stat. 527; 16 U.S.C. 576b), is amended—

(a) by striking out the word "or" immediately before "(3)" in the first sentence thereof; and

(b) by striking out in the first sentence thereof the colon preceding the proviso and all that follows down through "three years" and inserting in lieu thereof the following: ", or (4) protecting and improving the future productivity of the renewable resources of the forest land on such sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management".

AMENDMENT TO THE ACT OF JUNE 12, 1960

SEC. 19. The Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–531), is amended by adding at the end thereof the following new section:

"SEC. 5. This Act may be cited as the 'Multiple-Use Sustained-Yield Act of 1960'.".

PLAN FOR CONTROL OF DUTCH ELM DISEASE

SEC. 20. The Secretary of Agriculture, in consultation with officials of both the States and political subdivisions thereof, shall conduct a study of the incidence of Dutch elm disease and evaluate methods for controlling the spread of such disease. The Secretary shall prepare and submit to the President and both Houses of the Congress on or before March 1, 1977, a report which includes—

(1) the results of such study;

(2) plans for further research into the control of Dutch elm disease; and

(3) an action plan which includes a program of outreach and public information about the disease, and recommendations for controlling the spread of the disease.

SEVERABILITY

SEC. 21. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

CURRENT INFORMATION REPORTS

No. 1	MINERAL KING . . . . . (out-of-print)	February 1969
No. 2	LUMBER & PLYWOOD SUPPLY. . . . . (out-of-print)	March 1969
No. 3	GRAZING FEES ON NATIONAL FOREST RANGE . . (out-of-print)	June 1969
No. 4	FOREST SERVICE TIMBER APPRAISALS. . . .	July 1969
No. 5	MEETING FUTURE NEEDS FOR SOFTWOOD LUMBER AND PLYWOOD.	September 1970
No. 6	TIMBER MANAGEMENT FOR A QUALITY ENVIRONMENT (out-of-print)	May 1971
No. 7	FOREST SERVICE RESPONSE TO RECOMMENDATIONS OF FORESTRY DEANS.	June 1972
No. 8	OUTLOOK FOR MEETING FUTURE TIMBER DEMANDS.	December 1972
No. 9	PROPOSED NEW WILDERNESS STUDY AREAS. . . (out-of-print)	January 1973
No. 10	FOREST-RANGE ENVIRONMENTAL STUDY. . . .	May 1973
No. 11	NEW WILDERNESS STUDY AREAS. . . . . (Supercedes CI Report No. 9)	October 1973
No. 12	NEW NATIONAL FORESTS FOR ALASKA	February 1974
No. 13	HIGHLIGHTS OF THE ENVIRONMENTAL PROGRAM FOR THE FUTURE (out-of-print).	August 1974
No. 14	MINING IN NATIONAL FORESTS.	January 1975
No. 15	STRETCHING THE NATION'S TIMBER	October 1975
No. 16	THE NATIONAL FOREST MANAGEMENT ACT OF 1976	December 1976

THE NATIONAL FOREST MANAGEMENT ACT OF 1976 is No. 16 in a series of Current Information Reports prepared to keep Forest Service employees informed on topics of Servicewide interest.